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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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TECHNOLOGY CENTER R3700

In re Application of:

Applicant : Claude Lambert et al.  
Serial No. : 09/933,101  
Filed : August 20, 2001  
For : SECURITY ENHANCED DOCUMENT AND  
METHODS OF MAKING THE SAME  
Examiner : Monica Smith Carter  
Art Unit : 3722  
Attorney Docket No. : 159.1.334 A

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450  
ON September 12, 2003  
NAME Jill S. Garretson  
SIGNATURE *Jill S. Garretson*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

September 12, 2003

RESPONSE

Dear Sir:

This is in response to the non-final Office Action of April 15, 2003. Applicants have filed concurrently herewith a Petition for a two month extension of time along with the requisite fee extending the date for response to September 15, 2003.

All of the claims of the application (1-39) have been rejected over Royer (U.S. Patent No. 6,308,991) in view of Ehrhart (U.S. Patent No. 6,419,157).

In the prior Office Action of August 28, 2002, the Ehrhart reference was relied on because on the disclosure of an icon layer 226 and an outer layer 238 which were alleged to have predetermined reflectance patterns under exposure to a specific narrow band source of illumination. In a response filed on January 24, 2003, Applicants pointed out that outer layer 238 is part of the scratch-off layer and is therefore removed when the icon layer is exposed and thus the reflectance pattern layers relied on in the Office Action were significantly different than the document claims of the present application as amended.

In the present Office Action, the Office Action states that Ehrhart discloses methods for processing security documents employing a first indicia icon layer (226) covered by a scratch-off material and a second translucent, printable varnish layer (238) wherein both layers are located beneath the scratch-off material. It is further stated that the first and second layers together define a game data region (226) and a non-game data region (228) with the game data region comprising an encoded pattern of symbols (223). It is further stated that the first and second layer are constructed of different materials and would therefore exhibit different reflectance values. The rejection is hereby traversed and reconsideration is respectfully requested.

It is noted that in the paragraph bridging pages 4 and 5 of the Office Action, that the Examiner is now relying on element 226 as the base layer and element 228 as the second layer in which both layers are located beneath the scratch-off layer 211. The Office Action further states that the release layer 228 comprises a translucent, printable varnish material which is different from the material used for the base layer and thus concludes that the two layers would differ as a result of the different materials used to produce the layers and therefore could be used in the manner set forth in the claimed invention.

The present invention employs a play area comprising an encoded game data portion imaged on the substrate. The encoded game data portion imaged on the substrate. The encoded game data portion comprises a base layer printed with an ink having a first reflectance value and a second layer comprising an ink having a second, different reflectance value. The base layer and the second layer together define a game data region and a non-game data region with at least one of the regions comprising an encoded pattern of symbols associated therewith. A scratch-off layer covers the encoded game data portion and therefore covers the base layer and the second layer.

The construction of a lottery ticket in accordance with the present invention is shown with reference to Figure 1 in which there is a play area 14 comprising two regions. Region 16 includes game data typically in the form of icons or symbols while the second region includes protective varnishes, one or more scratch-off layers and one or more layers generally referred to as overprinting layers. The region 16

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as described at the top of page 10 of the present application contains a first system for combating fraudulent tampering of the lottery ticket. It is this first region which includes at least one base layer 20 and a second layer 22. Each of these layers is within the first region which includes the game data.

As indicated on page 12, line 4 of the specification the play area includes at least one game data associated encoded pattern which employs the layers 20, 22 because it is the cooperation of the two layers that provides the play area with game data as indicated at the top of page 12.

Referring again to Figure 1, and referring to the specification beginning at line 11, the game data portion 16 comprised of the base layer 20 and second layer 22 is covered with one or more varnish layers (40, 42 and 44). These layers are customarily used as a protective layer for lottery tickets. They have nothing whatever to do with the anti-fraud system associated with the play area 14 and specifically the region 16.

Applicants do not dispute that Ehrhart discloses a varnish layer 228 as such layers are customarily used for the above stated purposes in lottery tickets. However, there is no teaching or suggestion in the Ehrhart reference that such a layer can be used for an anti-fraud system in a manner claimed in the present application. Indeed, such a layer is not used for this purpose and cannot be used for this purpose as its only purpose is to provide protection for any materials printed below the varnished layer.

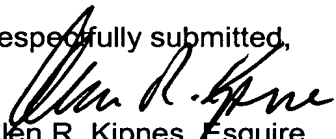
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It is therefore submitted that Ehrhart does not teach or suggest the claimed invention and its combination with Royer does not lead one of ordinary skill in the art to the claimed invention.

It is therefore submitted that the present claims are in condition for allowance and early passage to issue is therefore deemed proper and is respectfully requested.

It is believed that no fee is due in connection with this matter. However, if any fee is due, it should be charged to Deposit Account No. 23-0510.

Respectfully submitted,

  
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